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VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

September 5, 2014

Jeffrey Grodeon, General Manager
Eduardo Quevedo
Pedro Duenas
International Paper Company
12851 Alondra Bl.
Norwalk, CA 90650

Tom Cleve
International Paper Company
1950 Marina Bl.
San Leandro, CA 94577

John V. Faraci
CEO
International Paper Company
6400 Poplar Avenue
Memphis, TN 38197

CT Corporation
Agent For Service Of Process, International Paper Company
818 West Seventh St., 2nd Fl.
Los Angeles, CA 90017

Re: Notice of Violations and Intent to File Suit Under the Federal Water Pollution Control Act

Dear Mr. Grodeon, et al.:

I am writing on behalf of California Communities Against Toxics ("CCAT") with regard to violations of the Federal Water Pollution Control Act (the "Clean Water Act" or "Act") that CCAT believes are occurring at International Paper Company's Facility located at 12851 Alondra Bl. Norwalk, California ("Facility"). CCAT is a non-profit public benefit corporation

dedicated to working with communities to advocate for environmental justice and pollution prevention. CCAT has members living in the community in and adjacent to the San Gabriel River Watershed. CCAT and its members are deeply concerned with protecting the environment in and around their communities, including the San Gabriel River Watershed. This letter is being sent to you as the responsible owners, officers, or operators of the Facility (all recipients are hereinafter collectively referred to as "IPAPER").

This letter addresses IPAPER's unlawful discharge of pollutants from the Facility through the Los Angeles County municipal storm sewer system into the San Gabriel River. The Facility is discharging storm water pursuant to National Pollutant Discharge Elimination System ("NPDES") Permit No. CA S000001, State Water Resources Control Board ("State Board") Order No. 92-12-DWQ as amended by Order No. 97-03-DWQ (hereinafter "General Permit"). The WDID identification number for the Facility listed on documents submitted to the Regional Water Quality Control Board, Los Angeles Region ("Regional Board") is 4 I9I021726. The Facility is engaged in ongoing violations of the substantive and procedural requirements of the General Permit.

Section 505(b) of the Clean Water Act requires a citizen to give notice of intent to file suit sixty (60) days prior to the initiation of a civil action under Section 505(a) of the Act (33 U.S.C. § 1365(a)). Notice must be given to the alleged violator, the U.S. Environmental Protection Agency ("EPA") and the State in which the violations occur.

As required by the Clean Water Act, this Notice of Violation and Intent to File Suit provides notice of the violations that have occurred, and continue to occur, at the Facility. Consequently, IPAPER is hereby placed on formal notice by CCAT that, after the expiration of sixty days from the date of this Notice of Violations and Intent to Sue, CCAT intends to file suit in federal court against IPAPER under Section 505(a) of the Clean Water Act (33 U.S.C. § 1365(a)), for violations of the Clean Water Act and the General Permit. These violations are described more extensively below.

I. Background.

On or before July 18, 2008, IPAPER filed a Notice of Intent to Comply With the Terms of the General Permit to Discharge Storm Water Associated with Industrial Activity for the Facility. On or about June 26, 2013, IPAPER filed another Notice of Intent for Existing Facility Operators to Comply With the Terms of the General Permit to Discharge Storm Water Associated with Industrial Activity for the Facility (collectively "NOI"). In the NOI, IPAPER certified that the Facility classified under SIC Code 5093 ("Scrap Recycling and Waste Recycling Facilities"). The Facility collects and discharges storm water from the industrial site into at least one outfall. The Facility is 4.5 acres. The outfall discharges into Los Angeles

County's municipal storm sewer system which discharges into the Coyote Creek and then to the San Gabriel River.

The Regional Board has identified beneficial uses of the San Gabriel River Watershed and established water quality standards for it in the "Water Quality Control Plan – Los Angeles Region: Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties," (hereinafter "**Basin Plan**"). *See* California Regional Water Quality Control Board, Los Angeles Region, Water Quality Control Plan – Los Angeles Region: Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties (1995), *available at* http://www.waterboards.ca.gov/losangeles/water_issues/programs/basin_plan/basin_plan_documentation.shtml.

The beneficial uses of these waters include, among others, municipal and domestic supply, agricultural supply, groundwater recharge, water contact recreation, non-contact water recreation, warm freshwater habitat, cold freshwater habitat, and wildlife habitat. The non-contact water recreation use is defined as "[u]ses of water for recreational activities involving proximity to water, but not normally involving contact with water where water ingestion is reasonably possible. These uses include, but are not limited to, picnicking, sunbathing, hiking, beachcombing, camping, boating, tidepool and marine life study, hunting, sightseeing, or aesthetic enjoyment in conjunction with the above activities." *Id.* at 2-2. Contact recreation use includes fishing and wading. *Id.* Visible pollution, including visible sheens and cloudy or muddy water from industrial areas, impairs people's use of the San Gabriel River for contact and non-contact water recreation.

The Basin Plan includes a narrative toxicity standard which states that "[a]ll waters shall be maintained free of toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in, human, plant, animal, or aquatic life." *Id.* at 3-16. The Basin Plan includes a narrative oil and grease standard which states that "[w]aters shall not contain oils, greases, waxes, or other materials in concentrations that result in a visible film or coating on the surface of the water or on objects in the water, that cause nuisance, or that otherwise adversely affect beneficial uses." *Id.* at 3-11. The Basin Plan provides that "[w]aters shall not contain suspended or settleable material in concentrations that cause nuisance or adversely affect beneficial uses." *Id.* at 3-16. The Basic Plan provides that "[t]he pH of bays or estuaries [or inland surface waters] shall not be depressed below 6.5 or raised above 8.5 as a result of waste discharges." *Id.* at 3-15. The Basin Plan provides that "[w]aters shall not contain floating materials, including solids, liquids, foams, and scum, in concentrations that cause nuisance or adversely affect beneficial uses." *Id.* at 3-9. The Basin Plan provides that "[w]aters shall be free of coloration that causes nuisance or adversely affects beneficial uses." *Id.* The Basin Plan provides a Maximum Contaminant Level ("MCL") for aluminum of 1 mg/L.

The EPA has adopted freshwater numeric water quality standards, known as Criteria Maximum Concentration (hereinafter "CMC") for zinc of 0.120 mg/L, copper of 0.009 mg/L (CMC); and for lead of 0.065 mg/L (CMC). 40 C.F.R. § 131.38.[1]

Wet-weather Total Maximum Daily Loads ("TMDLs") for metals zinc, iron and lead also are present for the Coyote Creek, which is an impaired water body for these metals. http://www.waterboards.ca.gov/rwqcb4/water_issues/programs/tmdl/Established/San%20Gabriel%20River%20Metals%20TMDL/final_sangabriel_metalstmdl_3-27-07.pdf

The EPA has published benchmark levels as guidelines for determining whether a facility discharging industrial storm water has implemented the requisite best available technology economically achievable (hereinafter "**BAT**") and best conventional pollutant control technology (hereinafter "**BCT**"). The following benchmarks have been established in EPA's Multi-Sector General Permit for pollutants discharged by IPAPER: pH – 6.0 - 9.0 standard units ("**s.u.**"), total suspended solids ("**TSS**") – 100 mg/L, chemical oxygen demand ("**COD**") – 120 mg/L, total organic carbon ("**TOC**") – 120 mg/L, magnesium – .064 mg/L, iron – 1.0 mg/L, aluminum – 0.75 mg/L, lead – 0.014 mg/L, copper – 0.0038 mg/L, zinc – 0.04 mg/L.[2] U.S. EPA, Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (2009) (hereinafter "**MSGP**").

II. Alleged Violations of the Clean Water Act and the General Permit.

A. Discharges in Violation of the Permit not Subjected to BAT/BCT

IPAPER has violated and continues to violate the terms and conditions of the General Permit. Section 402(p) of the Act prohibits the discharge of storm water associated with industrial activities, except as permitted under an NPDES permit (33 U.S.C. § 1342) such as the General Permit. The General Permit prohibits any discharges of storm water associated with industrial activities or authorized non-storm water discharges that have not been subjected to BAT or BCT. Effluent Limitation B(3) of the General Permit requires dischargers to reduce or prevent pollutants in their storm water discharges through implementation of BAT for toxic and nonconventional pollutants and BCT for conventional pollutants. BAT and BCT include both nonstructural and structural measures. General Permit, Section A(8). Conventional pollutants

[1] The values for zinc, copper, and lead are expressed as a function of total hardness (mg/L) in the water body and correspond to a total hardness of 100 mg/L. Measurement of hardness at the Facility in 2013-2014 calculated hardness at 15 mg/L.

[2] The values for zinc, copper, and lead are expressed as a function of total hardness (mg/L) in the water body and correspond to a total hardness of 25 mg/L. Measurement of hardness at the Facility in 2013-2014 calculated hardness at 15 mg/L.

are TSS, O&G, pH, biochemical oxygen demand, and fecal coliform. 40 C.F.R. § 401.16. All other pollutants are either toxic or nonconventional. *Id.*; 40 C.F.R. § 401.15.

In addition, Discharge Prohibition A(1) of the General Permit prohibits the discharge of materials other than storm water (defined as non-storm water discharges) that discharge either directly or indirectly to waters of the United States. Discharge Prohibition A(2) of the General Permit prohibits storm water discharges and authorized non-storm water discharges that cause or threaten to cause pollution, contamination, or nuisance.

Receiving Water Limitation C(1) of the General Permit prohibits storm water discharges and authorized non-storm water discharges to surface or groundwater that adversely impact human health or the environment. Receiving Water Limitation C(2) of the General Permit also prohibits storm water discharges and authorized non-storm water discharges that cause or contribute to an exceedance of any applicable water quality standards contained in a Statewide Water Quality Control Plan or the applicable Regional Board's Basin Plan. The General Permit does not authorize the application of any mixing zones for complying with Receiving Water Limitation C(2). As a result, compliance with this provision is measured at the Facility's discharge monitoring locations.

IPAPER has discharged and continues to discharge storm water with unacceptable levels of and other pollutants in violation of the General Permit. IPAPER's sampling and analysis results reported to the Regional Board confirm discharges of specific pollutants and materials other than storm water in violation of the Permit provisions listed above. Self-monitoring reports under the Permit are deemed "conclusive evidence of an exceedance of a permit limitation." *Sierra Club v. Union Oil*, 813 F.2d 1480, 1493 (9th Cir. 1988).

The following discharges of pollutants from the Facility have contained concentrations of pollutants in excess of numeric water quality standards established in the Basin Plan and the California Toxics Rule and has thus violated Discharge Prohibitions A(1) and A(2) and Receiving Water Limitations C(1) and C(2) and are evidence of ongoing violations of Effluent Limitation B(3) of the General Industrial Storm Water Permit.

Date	**Parameter**	**Observed Concentration**	**Basin Plan Water Quality Standard**	**Outfall (as identified by the Facility)**
10/28/2013	Aluminum	2.5 mg/L	1.0 mg/L (MCL)	West drain 1
10/28/2013	Aluminum	2.9 mg/L	1.0 mg/L (MCL)	West drain 2
10/28/2012	Aluminum	4.8 mg/L	1.0 mg/L (MCL)	West drain 3
2/8/2013	Aluminum	1.8 mg/L	1.0 mg/L (MCL)	West drain 2
2/8/2013	Aluminum	1.8 mg/L	1.0 mg/L (MCL)	West drain 3

12/12/2011	Aluminum	1.4 mg/L	1.0 mg/L (MCL)	West drain
10/5/2011	Aluminum	1.4 mg/L	1.0 mg/L (MCL)	West drain
10/28/2013	Copper	.13 mg/L	.009 mg/L (CMC)	West drain 2
10/28/2013	Copper	.17 mg/L	.009 mg/L (CMC)	West drain 3
2/27/2014	Zinc	.16 mg/L	.12 mg/L (CMC)	West drain 1
2/27/2014	Zinc	.16 mg/L	.12 mg/L (CMC)	West drain 2
2/27/2014	Zinc	.18 mg/L	.12 mg/L (CMC)	West drain 3
10/28/2013	Zinc	1.5 mg/L	.12 mg/L (CMC)	West drain 1
10/28/2013	Zinc	1.7 mg/L	.12 mg/L (CMC)	West drain 2
10/28/2013	Zinc	1.6 mg/L	.12 mg/L (CMC)	West drain 3
2/8/2013	Zinc	.26 mg/L	.12 mg/L (CMC)	West drain 1
2/8/2013	Zinc	.34 mg/L	.12 mg/L (CMC)	West drain 2
2/8/2013	Zinc	.34 mg/L	.12 mg/L (CMC)	West drain 3
12/12/2011	Zinc	.74 mg/L	.12 mg/L (CMC)	West drain
10/5/2011	Zinc	.74 mg/L	.12 mg/L (CMC)	West drain
12/12/2011	Lead	.12 mg/L	.065 mg/L (CMC)	West drain
11/8/2012	Narrative	Slightly cloudy with oily sheen	narrative oil and grease standard	West drain
12/5/2012	Narrative	Slightly cloudy with oily sheen	narrative oil and grease standard	West drain
12/8/2013	Narrative	Opaque/muddy with oily sheen	narrative oil and grease standard	West drain
5/6/2013	Narrative	Brown with fuel smell	narrative oil and grease standard	West drain
10/28/2013	Narrative	Oil Sheen from truck traffic	narrative oil and grease standard	West drain

CCAT alleges that since the 2009-2010 wet season and continuing through today, IPAPER has discharged storm water contaminated with pollutants at levels or observations that exceed or violate the applicable Basin Plan and California Toxic Rule water quality standards for narrative standards, aluminum, copper, zinc and lead.

The following discharges of pollutants from the Facility have violated Discharge Prohibitions A(1) and A(2) and Receiving Water Limitations C(1) and C(2) and are evidence of ongoing violations of Effluent Limitation B(3) of the General Permit.

Date	**Parameter**	**Observed Concentration**	**EPA Benchmark**	**Location (as identified by the**

			Value	Facility)
10/28/2013	Total Suspended Solids	260 mg/L	100 mg/L	West Drain 1
10/28/2013	Total Suspended Solids	120 mg/L	100 mg/L	West Drain 2
10/28/2013	Total Suspended Solids	190 mg/L	100 mg/L	West Drain 2
10/28/2013	Aluminum	2.5 mg/L	.75 mg/L	West drain 1
10/28/2013	Aluminum	2.9 mg/L	.75 mg/L	West drain 2
10/28/2012	Aluminum	4.8 mg/L	.75 mg/L	West drain 3
2/8/2013	Aluminum	.97 mg/L	.75 mg/L	West drain 1
2/8/2013	Aluminum	1.8 mg/L	.75 mg/L	West drain 2
2/8/2013	Aluminum	1.8 mg/L	.75 mg/L	West drain 3
12/12/2011	Aluminum	1.4 mg/L	.75 mg/L	West drain
10/5/2011	Aluminum	1.4 mg/L	.75 mg/L	West drain
10/28/2013	Copper	.13 mg/L	.0038 mg/L	West drain 2
10/28/2013	Copper	.17 mg/L	.0038 mg/L	West drain 3
10/28/2013	COD	890 mg/L	120 mg/L	West drain 1
10/28/2013	COD	870 mg/L	120 mg/L	West drain 2
10/28/2013	COD	1800 mg/L	120 mg/L	West drain 3
2/8/2013	COD	890 mg/L	120 mg/L	West drain 2
12/12/2011	Lead	.12 mg/L	.014 mg/L	West drain
10/28/2013	Iron	4.2 mg/L	1.0 mg/L	West drain 1
10/28/2013	Iron	4.3 mg/L	1.0 mg/L	West drain 2
10/28/2013	Iron	7.2 mg/L	1.0 mg/L	West drain 3
2/8/2013	Iron	1.6 mg/L	1.0 mg/L	West drain 1
2/8/2013	Iron	2.8 mg/L	1.0 mg/L	West drain 2
2/8/2013	Iron	3.5 mg/L	1.0 mg/L	West drain 3
2/27/2014	Zinc	.16 mg/L	.04 mg/L	West drain 1
2/27/2014	Zinc	.16 mg/L	.04 mg/L	West drain 2
2/27/2014	Zinc	.18 mg/L	.04 mg/L	West drain 3
10/28/2013	Zinc	1.5 mg/L	.04 mg/L	West drain 1
10/28/2013	Zinc	1.7 mg/L	.04 mg/L	West drain 2
10/28/2013	Zinc	1.6 mg/L	.04 mg/L	West drain 3
2/8/2013	Zinc	.26 mg/L	.04 mg/L	West drain 1
2/8/2013	Zinc	.34 mg/L	.04 mg/L	West drain 2
2/8/2013	Zinc	.34 mg/L	.04 mg/L	West drain 3
12/12/2011	Zinc	.74 mg/L	.04 mg/L	West drain
10/5/2011	Zinc	.74 mg/L	.04 mg/L	West drain
10/28/2013	TOC	190 mg/L	120 mg/L	West drain 1
10/28/2013	TOC	200 mg/L	120 mg/L	West drain 2
10/28/2013	TOC	460 mg/L	120 mg/L	West drain 3
2/27/2014	Magnesium	.333 mg/L	.064 mg/L	West drain 1

2/27/2014	Magnesium	.458 mg/L	.064 mg/L	West drain 2
2/27/2014	Magnesium	.61 mg/L	.064 mg/L	West drain 3
2/27/2014	Magnesium	.217 mg/L	.064 mg/L	West drain 4
10/28/2013	Magnesium	5.48 mg/L	.064 mg/L	West drain 1
10/28/2013	Magnesium	7.17 mg/L	.064 mg/L	West drain 2
10/28/2013	Magnesium	11.5 mg/L	.064 mg/L	West drain 3

The information in the above table reflects data gathered from IPAPER's self-monitoring during the 2011-2012, 2012-2013 and 2013-2014 wet seasons. CCAT alleges that during each of those rainy seasons and continuing through today, IPAPER has discharged storm water contaminated with pollutants at levels that exceed one or more applicable EPA Benchmarks, including but not limited to each of the following:

total suspended solids ("TSS") – 100 mg/L,
chemical oxygen demand ("COD") – 120 mg/L
total organic carbon ("TOC") – 120 mg/L
iron – 1.0 mg/L
aluminum – 0.75 mg/L
lead – 0.014 mg/L
copper – 0.0038 mg/L
zinc – 0.04 mg/L
magnesium – .064 mg/L

CCAT's investigation, including its review of IPAPER analytical results documenting pollutant levels in the Facility's storm water discharges well in excess of applicable water quality standards and the EPA's benchmark values indicates that IPAPER has not implemented BAT and BCT at the Facility for its discharges of TSS, COD, TOC, aluminum, lead, zinc, iron, magnesium, copper, and other pollutants in violation of Effluent Limitation B(3) of the General Permit. IPAPER was required to have implemented BAT and BCT by no later than October 1, 1992, or since the date the Facility opened. Thus, IPAPER is discharging polluted storm water associated with its industrial operations without having implemented BAT and BCT.

In addition, the numbers listed in the tables above indicate that the Facility is discharging polluted storm water in violation of Discharge Prohibitions A(1) and A(2) and Receiving Water Limitations C(1) and C(2) of the General Permit. CCAT alleges that such violations also have occurred and will occur on other rain dates, including every significant rain event that has occurred since September 5, 2009, and that will occur at the Facility subsequent to the date of this Notice of Violation and Intent to File Suit. Attachment A, attached hereto, sets forth each of the specific rain dates on which CCAT alleges that IPAPER has discharged storm water containing impermissible levels of TSS, COD, TOC, aluminum, lead, zinc, iron, magnesium,

copper, and other pollutants in violation of Effluent Limitation B(3), Discharge Prohibitions A(1) and A(2), and Receiving Water Limitations C(1) and C(2) of the General Permit.[3]

These unlawful discharges from the Facility are ongoing. Each discharge of storm water containing any of these pollutants constitutes a separate violation of the General Permit and the Act. Consistent with the five-year statute of limitations applicable to citizen enforcement actions brought pursuant to the federal Clean Water Act, IPAPER is subject to penalties for violations of the General Permit and the Act since September 5, 2009.

B. Failure to Develop and Implement an Adequate Monitoring and Reporting Program

Section B of the General Permit describes the monitoring requirements for storm water and non-storm water discharges. Facilities are required to make monthly visual observations of storm water discharges (Section B(4)) and quarterly visual observations of both unauthorized and authorized non-storm water discharges (Section B(3)). Section B(5) requires facility operators to sample and analyze at least two storm water discharges from all storm water discharge locations during each wet season. Section B(7) requires that the visual observations and samples must represent the "quality and quantity of the facility's storm water discharges from the storm event."

The above-referenced data was obtained from the Facility's monitoring program as reported in its Annual Reports submitted to the Regional Board. This data is evidence that the Facility has violated various Discharge Prohibitions, Receiving Water Limitations, and Effluent Limitations in the General Permit. To the extent the storm water data collected by IPAPER is not representative of the quality of the Facility's various storm water discharges and that the Facility failed to monitor all qualifying storm water discharges, CCAT alleges that the Facility's monitoring program violates Sections B(3), (4), (5) and (7) of the General Permit.

In addition, CCAT alleges that the Facility failed to conduct numerical stormwater sampling during the 2009-2010 and 2010-2011 wet seasons. CCAT further alleges that the Facility did not conduct sampling as required for two stormwater events during the 2011-2012 and 2012-2013 wet seasons. CCAT further alleges that during the 2013-2014 wet seasons the Facility did not conduct visual observations for storm water discharges during November to May even though there were such events during these months.

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[3] The rain dates are all the days when an average of 0.1" or more rain fell as measured by a weather station located in Long Beach, approximately 15 miles away from the Facility. The weather data can be obtained at http://www.ipm.ucdavis.edu/WEATHER/SITES/losangeles.html (Last accessed on September 2, 2014).

The above violations are ongoing. Consistent with the five-year statute of limitations applicable to citizen enforcement actions brought pursuant to the federal Clean Water Act, IPAPER is subject to penalties for violations of the General Permit and the Act's monitoring and sampling requirements since September 5, 2009.

C. Failure to Prepare, Implement, Review and Update an Adequate Storm Water Pollution Prevention Plan

Section A and Provision E(2) of the General Permit require dischargers of storm water associated with industrial activity to develop, implement, and update an adequate storm water pollution prevention plan ("SWPPP") no later than October 1, 1992. Section A(1) and Provision E(2) requires dischargers who submitted an NOI pursuant to the General Permit to continue following their existing SWPPP and implement any necessary revisions to their SWPPP in a timely manner, but in any case, no later than August 1, 1997.

The SWPPP must, among other requirements, identify and evaluate sources of pollutants associated with industrial activities that may affect the quality of storm and non-storm water discharges from the facility and identify and implement site-specific best management practices ("BMPs") to reduce or prevent pollutants associated with industrial activities in storm water and authorized non-storm water discharges (General Permit, Section A(2)). The SWPPP must include BMPs that achieve BAT and BCT (Effluent Limitation B(3)). The SWPPP must include: a description of individuals and their responsibilities for developing and implementing the SWPPP (General Permit, Section A(3)); a site map showing the facility boundaries, storm water drainage areas with flow pattern and nearby water bodies, the location of the storm water collection, conveyance and discharge system, structural control measures, impervious areas, areas of actual and potential pollutant contact, and areas of industrial activity (General Permit, Section A(4)); a list of significant materials handled and stored at the site (General Permit, Section A(5)); a description of potential pollutant sources including industrial processes, material handling and storage areas, dust and particulate generating activities, a description of significant spills and leaks, a list of all non-storm water discharges and their sources, and a description of locations where soil erosion may occur (General Permit, Section A(6)).

The SWPPP also must include an assessment of potential pollutant sources at the Facility and a description of the BMPs to be implemented at the Facility that will reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges, including structural BMPs where non-structural BMPs are not effective (General Permit, Section A(7), (8)). The SWPPP must be evaluated to ensure effectiveness and must be revised where necessary (General Permit, Section A(9),(10)).

CCAT's investigation of the conditions at the Facility as well as IPAPER's Annual Reports indicate that IPAPER has been operating with an inadequately developed and

implemented SWPPP in violation of the requirements set forth above. IPAPER has failed to evaluate the effectiveness of its BMPs and to revise its SWPPP as necessary. IPAPER has been in continuous violation of Section A and Provision E(2) of the General Permit every day since September 5, 2009, at the very latest, and will continue to be in violation every day that IPAPER fails to prepare, implement, review, and update an effective SWPPP. IPAPER is subject to penalties for violations of the Order and the Act occurring since September 5, 2009.

D. Failure to File True and Correct Annual Reports

Section B(14) of the General Permit requires dischargers to submit an Annual Report by July 1st of each year to the executive officer of the relevant Regional Board. The Annual Report must be signed and certified by an appropriate corporate officer. General Permit, Sections B(14), C(9), (10). Section A(9)(d) of the General Permit requires the discharger to include in their annual report an evaluation of their storm water controls, including certifying compliance with the General Permit. *See also* General Permit, Sections C(9) and (10) and B(14).

For the last five years, IPAPER and its agents, Jeffrey Grodeon, Eduardo Quevedo, Pedro Duenas and Tom Cleve, inaccurately certified in its Annual Reports that the Facility were in compliance with the General Permit. Consequently, IPAPER has violated Sections A(9)(d), B(14) and C(9) & (10) of the General Permit every time IPAPER failed to submit a complete or correct report and every time IPAPER or its agents falsely purported to comply with the Act. IPAPER is subject to penalties for violations of Section (C) of the General Permit and the Act occurring since at least September 5, 2009.

III. Persons Responsible for the Violations.

CCAT puts IPAPER on notice that they are the persons responsible for the violations described above. If additional persons are subsequently identified as also being responsible for the violations set forth above, CCAT puts IPAPER on notice that it intends to include those persons in this action.

IV. Name and Address of Noticing Parties.

The name, address and telephone number of CCAT is as follows:

Jane Williams
Executive Director
California Communities Against Toxics
P.O. Box 845
Rosamond, CA 93560
Tel. (661) 510-3412

V. Counsel.

CCAT has retained counsel to represent it in this matter. Please direct all communications to:

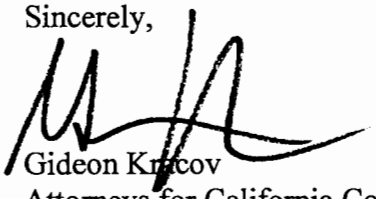
Gideon Kracov
Law Office of Gideon Kracov
801 S. Grand Avenue, 11th Floor
Los Angeles, CA 90017
gk@gideonlaw.net
213-629-2071

VI. Penalties.

Pursuant to Section 309(d) of the Act (33 U.S.C. § 1319(d)) and the Adjustment of Civil Monetary Penalties for Inflation (40 C.F.R. § 19.4) each separate violation of the Act subjects IPAPER to a penalty of up to $37,500 per day per violation. In addition to civil penalties, CCAT will seek injunctive relief preventing further violations of the Act pursuant to Sections 505(a) and (d) (33 U.S.C. §1365(a) and (d)) and such other relief as permitted by law. Lastly, Section 505(d) of the Act (33 U.S.C. § 1365(d)), permits prevailing parties to recover costs and fees, including attorneys' fees.

CCAT believes this Notice of Violations and Intent to File Suit sufficiently states grounds for filing suit. CCAT intends to file a citizen suit under Section 505(a) of the Act against IPAPER and its agents for the above-referenced violations upon the expiration of the 60-day notice period. However, during the 60-day notice period, CCAT would be willing to discuss effective remedies for the violations noted in this letter. If you wish to pursue such discussions in the absence of litigation, CCAT suggests that you initiate those discussions within the next 20 days so that they may be completed before the end of the 60-day notice period. CCAT does not intend to delay the filing of a complaint in federal court if discussions are continuing when that period ends.

Sincerely,



Gideon Kracov
Attorneys for California Communities Against Toxics

SERVICE LIST

Gina McCarthy, Acting Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Thomas Howard, Executive Director
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

Eric Holder, U.S. Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
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Jared Blumenfeld, Regional Administrator
U.S. EPA – Region 9
75 Hawthorne Street
San Francisco, CA, 94105

Samuel Unger, Executive Officer
Los Angeles Regional Water Quality Control Board
320 West Fourth Street, Suite 200
Los Angeles, CA 90013

ATTACHMENT A
Rain Dates, IPAPER, Norwalk, California

10/13/2009
10/14/2009
12/7/2009
12/11/2009
12/12/2009
12/13/2009
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